# T_ABLE OF CONTENT

# Los Angeles County Sheriff's Department

# Officer Involved Shooting



| | | | |
|---|---|---|---|
| Report Date: 08-27-2010 | Bureau/Station/Facility: Norwalk Station | Admin. Invest.? ☐ | Hit? ☒ |

**Incident Information**

| | |
|---|---|
| URN: 009-15212-0453-013 | Date: 09-20-2009 Time: 0847 hours |
| City or Station: Norwalk | Nature of Incident: Hit-shooting, suspect deceased. |
| Location: 11650 Imperial Highway, Norwalk, CA, 90650, Towne House Motel | |

**Location Type** (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, **Parking Lot** (circled), Residence, Rural, School, Street, Other: ________

**Lighting** (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

**Weather** (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

**Distance:** 10 feet

**Incident Type** (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ________

**Initiated by** (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

**Prior Activity** (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect |
|---|---|
| 2 | N/A |

**Employee Witnesses**

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty |
|---|---|---|---|---|---|
| None | | | | | |
| | | | | | |
| | | | | | |

**Non-Employee Witnesses**

| Last Name | First Name | M.I. |
|---|---|---|
| None | | |

| Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | M.I. |
|---|---|---|
| | | |

| Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | M.I. |
|---|---|---|
| | | |

| Street Address | City | Zip Code | Work Ph | Home Ph |
|---|---|---|---|---|
| | | | | |

**[illegible]**

| Employee # | Last Name | First Name | M.I. | (*circle one or more*) |
|---|---|---|---|---|
| [redacted] | Campbell | Anthony | L. | **On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting |
| | | | | On Duty, Present during shooting, Witness to shooting, Involved in shooting |

**Watch Sergeant**

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Reveles | Jose | I |

**Watch Commander**

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Ha | Jenny | T |

| PSTD Use Only |
|---|
| SH # 2252396 |

SH-R-438A rev. 3/97

See Reverse

# Officer Involved Shooting

URN: 009-15212-0453-013



Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 09-20-2009 | 1100 | 08-27-2010 | |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Hill | Scott | G. |
| [redacted] | Maldonado | Albert | M. |
| [redacted] | Brickert | Scott | J. |

Shooting Involve Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| E1 | S1 | CH | | | | | NN | HD |
| E1 | S1 | FH | BR | 9 | Y | Y | GS | CH |



See Front Side

# Officer Involved Shooting
# Involved Employee Information

URN: 009-15212-0453-013



E 1

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Sex: M Race: H | Rank Deputy Sheriff | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted] |
| ShiftTime (*circle only one*): EM PM [redacted] | ShiftType (*circle only one*): [redacted] Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☒ | Coroner Case # 2009-06549 — Interviewed? ☐ |
| Hrs of sleep prior to shooting: 6-8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled) | Other Factors: None. |
| Age: [redacted] Height: [redacted] Weight: [redacted] | | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] Number of Prior Shootings: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

E__

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # — Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: Height: Weight: | | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ Number of Prior Shootings: |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

E__

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # — Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: Height: Weight: | | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ Number of Prior Shootings: |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

# Officer Involved Shooting
# Suspect Information

URN: 009-15212-0453-013



Suspect Information

**S 1**

| | | | |
|---|---|---|---|
| Last Name: Huizar | | First Name: Leopoldo | M.I. nmn |
| AKA Last Name: N/A | | First Name: | M.I. |
| Sex: M Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 24 D.O.B. 06-20-85 | Height: 5'11" Weight: 284 | FBI # [redacted] | CII # [redacted] |
| Booking # Deceased | Primary Charge: N/A | Secondary Charge: | |
| Coroner Case? ☒ | Coroner Case # 2009-06549 | Intoxication/Drug Usage? ☒ | Substance Used: methamphetamine |
| Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: Volks | | Model: 4-Door | Year: 1994 |

**S __**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I. |
| AKA Last Name: | | First Name: | M.I. |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S __**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I. |
| AKA Last Name: | | First Name: | M.I. |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S __**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I. |
| AKA Last Name: | | First Name: | M.I. |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

# INVESTIGATIVE NARRATIVE

# INVESTIGATIVE NARRATIVE

**DEPUTY INVOLVED HIT SHOOTING**
**IAB # SH 2252396**
**URN #009-15212-0453-013**

| | |
|---|---|
| **INVOLVED EMPLOYEE:** | [redacted] #[redacted]<br>Field Operations Region 3 - Norwalk Station<br>Date of Employment: [redacted]<br>Date assigned to Patrol: [redacted]<br>Completed Patrol Training: [redacted]<br>Prior Shooting Incident(s): [redacted]<br>Prior Founded Force Incidents(s): [redacted] |
| **SUSPECT:** | <u>**HUIZAR**</u>, Leopoldo, MH/24, DOB 06-20-1985 |
| **DATE & TIME:** | September 20, 2009, 0847 hours |
| **LOCATION:** | 11650 Imperial Highway, Norwalk, CA, 90650 |
| **INVESTIGATOR:** | Sergeant Scott Hill, #[redacted] |

**Synopsis:**

On September 20,2009, at 8:47 a.m., Deputy [redacted] was driving a marked patrol vehicle through the parking lot of the Towne House Motel, located at 11650 Imperial Highway, Norwalk. Deputy [redacted] saw a male, later identified as Leopoldo Huizar, sitting in the driver's seat of a vehicle parked in the rear of the motel parking lot (Refer to Exhibit "C" Photographs "A" & "B"). Suspect Huizar appeared startled by Deputy [redacted] presence. Suspect Huizar reached to his right toward the center console, in what Deputy [redacted] believed to be an attempt to conceal a weapon or contraband.

Deputy [redacted] exited his patrol vehicle and approached Suspect Huizar's car. Deputy [redacted] ordered Suspect Huizar out of the vehicle; Suspect Huizar questioned Deputy [redacted] but eventually exited the vehicle assisted by Deputy [redacted] Based on Suspect Huizar's demeanor, Deputy [redacted] requested "back-up" to his location.

Deputy [redacted] attempted to conduct a pat-down search of Suspect Huizar. He thought he felt a handgun in the right side of Suspect Huizar's waistband. Suspect Huizar suddenly spun around and pushed Deputy [redacted] away. Deputy [redacted] sprayed Suspect Huizar with pepper spray and grabbed onto Suspect Huizar's shirt as Suspect Huizar attempted to flee. Suspect Huizar turned toward Deputy [redacted] again, and was sprayed a second time.

After a brief struggle, Suspect Huizar broke free from Deputy [redacted] grasp and ran a few feet away from Deputy [redacted] through the parking lot. He turned toward Deputy [redacted] made eye contact, reached for his waistband, lifted his shirt and exposed the butt of the handgun that was concealed in his waistband. Fearing Suspect Huizar was going to shoot him, Deputy [redacted] drew his duty weapon and fired two rounds at Suspect Huizar. Suspect Huizar fell to the ground. A Colt .45 caliber semi-automatic handgun, containing a magazine loaded with eight live rounds (Refer to Exhibit "C" Photograph D), was recovered under Suspect Huizar's body. A baggie of methamphetamine and a glass pipe was recovered from Suspect Huizar's pants pocket.

Paramedics responded and transported Suspect Huizar to the St. Francis Medical Center. He was pronounced dead by Dr. Jerry Vlasak at 0936 hours.

Dr. Paul Gliniecki of the Los Angeles County Coroner's Office performed the autopsy on Suspect Huizar. Dr. Gliniecki observed that Suspect Huizar was shot two times in his torso area and opined the cause of death was multiple gunshot wounds (Refer to Exhibit "B" LASD Homicide Report, Pages 57-99). The toxicology reports indicated Suspect Huizar had marijuana and methamphetamine in his system (Refer to Exhibit "B" LASD Homicide Report, Page 91).

Huizar was [redacted] (Refer to Exhibit "F," Criminal History).[1]

**Criminal History:**

Huizar, Leopoldo, Refer to Exhibit "F."

**Injuries:**

**Suspect**

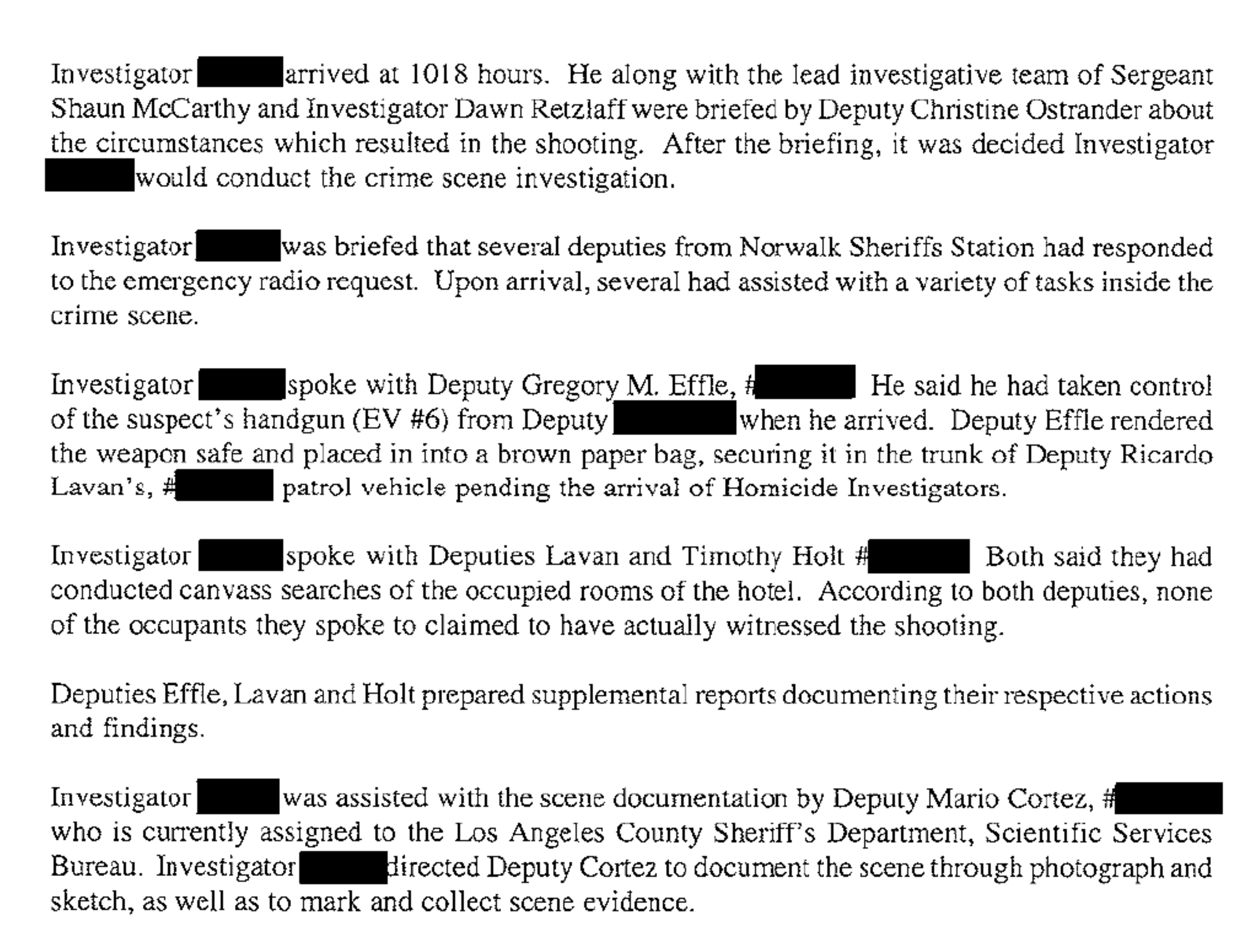
Leopoldo Huizar
Deceased. Refer to Los Angeles County Coroner's Report, File #2009-06549.

**Investigator Observations:**

On September 20, 2009, Investigator [redacted] responded from his residence to 11650 Imperial Highway, Norwalk to assist with the investigation of an Assault on a Deputy Sheriff, which resulted in a Deputy Involved Shooting. The shooting resulted in the death of Suspect Leopoldo Huizar.

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[1]Los Angeles County District Attorney's Office, Bureau of Fraud and Corruption Prosecutions, Justice System Integrity Division, JSID #09-0587.



Investigator [redacted] arrived at 1018 hours. He along with the lead investigative team of Sergeant Shaun McCarthy and Investigator Dawn Retzlaff were briefed by Deputy Christine Ostrander about the circumstances which resulted in the shooting. After the briefing, it was decided Investigator [redacted] would conduct the crime scene investigation.

Investigator [redacted] was briefed that several deputies from Norwalk Sheriffs Station had responded to the emergency radio request. Upon arrival, several had assisted with a variety of tasks inside the crime scene.

Investigator [redacted] spoke with Deputy Gregory M. Effle, # [redacted] He said he had taken control of the suspect's handgun (EV #6) from Deputy [redacted] when he arrived. Deputy Effle rendered the weapon safe and placed in into a brown paper bag, securing it in the trunk of Deputy Ricardo Lavan's, # [redacted] patrol vehicle pending the arrival of Homicide Investigators.

Investigator [redacted] spoke with Deputies Lavan and Timothy Holt # [redacted] Both said they had conducted canvass searches of the occupied rooms of the hotel. According to both deputies, none of the occupants they spoke to claimed to have actually witnessed the shooting.

Deputies Effle, Lavan and Holt prepared supplemental reports documenting their respective actions and findings.

Investigator [redacted] was assisted with the scene documentation by Deputy Mario Cortez, # [redacted] who is currently assigned to the Los Angeles County Sheriff's Department, Scientific Services Bureau. Investigator [redacted] directed Deputy Cortez to document the scene through photograph and sketch, as well as to mark and collect scene evidence.

The scene of the assault and shooting was the parking lot area of the Towne House Motel. The motel was located at 11650 Imperial Highway, Norwalk, California, in the County of Los Angeles. The south side of Imperial Highway was dominated by other hotels and fast food restaurants. The north side of Imperial Highway consisted of a large "Walmart" shopping center and some residential housing. Imperial Highway is described as a large asphalt paved street with traffic lanes flowing both in east and west directions. Traffic signals were present at Woods Avenue, east of the motel and Jersey Avenue west of the motel. For purposes of this report, Imperial Highway, the surrounding businesses and structures were considered unremarkable.

The Towne House Motel is further described as being a motel complex consisting of four structures and a large asphalt paved parking lot on the south side of Imperial Highway. The entire complex is enclosed by white colored block walls on the east, south and north sides. The location is numerically identified by the numbers 11650 present on the north facing wall of the manager's office and the south facing curb line of Imperial Highway. The motel complex is accessed via a single north and south direction driveway from Imperial Highway. No other entrances or exits exist. The concrete driveway blends into Imperial Highway at the curb line and leads southbound into the asphalt paved parking lot of the motel.

Investigators noted a single story manager's office and residence on the northeast corner of the property. Extending toward the south from the manager's office along the east side of the property was a two-story structure, consisting of fourteen west facing motel rooms. The rooms were numbered beginning at #109 on the north end through #116 on the south end of the ground floor and numbered beginning at #207 on the north end through #214 on the south end of the second floor. Vertical stairways were present at both the north and south ends of the second floor.

South of this main building, on the east side of the property, was a single story detached structure, which appeared to be a private residence. The building was not numbered and did not appear to be a "rentable" room. The structure was enclosed by a wrought iron fence with a single gate that opened toward the north, below the previously noted stairwell. The fence carried outward toward the west, then turned south, then back toward the east where it joined the west facing side of the block wall, which bordered the eastern edge of the property. Portions of the wrought iron fence had plant material growing along the sides.

Investigators also noted a single car, detached garage in the southeast corner of the parking lot. This detached garage had an aluminum roll up door, which faced north and was closed.

On the west side of the property was a two-story structure consisting of fourteen west facing motel rooms. The rooms were numbered beginning at #101 on the north end through #108 on the south end of the ground floor and numbered beginning at #201 on the north end through #206 on the south end of the second floor. Vertical stairways were present at both the north and south ends of the second floor. On the south end of the structure was an attached laundry room. The door opened outward toward the south, but was found closed and locked.

Investigators noted the housing structures on the east and west sides were divided in the middle by the previously noted driveway, south of Imperial Highway. Once on the property, the driveway widened to include parking stalls in front of the west facing rooms of the east structure. The parking stalls in front of the rooms were painted on a forty-five degree angle in yellow paint on the black asphalt ground. At the end of the structures, the parking lot widened toward the west, south and north. Additional parking stalls were painted facing the west side of the white block wall which borders the west edge of the property. More stalls were painted facing the south facing block wall which borders the south edge of the property. More stalls were painted facing toward the north, facing the previously noted wrought iron fence.

Investigators noted a black-purple colored "Volkswagen"(EV#1), (Suspect vehicle) parked facing north, in the third stall from the west edge of the east side block wall (Refer to Exhibit "C" Photograph "A"). Investigators noted the windshield was clear and not damaged. The vehicle identification number (VIN [redacted]), was clearly visible on the dashboard area in front of the steering wheel. California license plates #[redacted] were affixed to the front and back of the vehicle. A sunroof over the drivers-passenger seats was closed. The exterior of the car was clean, no significant body damage was noted.

The front driver and passenger side doors were closed with both windows rolled up. No window tint was noted on the windows. The rear passenger side door was closed. The rear driver's side door was open. The windows of both rear doors were also rolled up. A medium dark window tint was applied to the windows, wind wings and the rear window. The trunk lid and hood were closed.

Inspecting the interior of the vehicle, Investigators found the engine was off and the gear shift was in the "park" position. There was a single key in the ignition, turned to the "off" position. A set of keys were found in the driver's seat. On top of the front passenger seat was a blue colored "Los Angeles Dodgers" baseball cap, a pair of plaid colored boxer shorts, a white colored T-shirt, two cell phones, a flashlight, a hand-rolled cigarette, another key ring, a bottle of lotion and a "Walmart" card in the name of [redacted]

On the floorboard in front of the passenger seat was a cylindrical CD case with the name "PARAMOUNT" written on the side and gang graffiti on the top. The CD case appeared to hold a variety of discs with handwritten titles.

In the back seat area, Investigators noted a child's safety car seat on the passenger side seat. On the floorboard, Investigators saw children's shoes and a "club" auto anti-theft device. In the trunk of the vehicle, Investigators found plastic baskets containing a variety of clean, folded clothing and a box of laundry soap. No other vehicles were parked in the stalls next to the vehicle.

Parked facing east approximately three feet behind the suspect vehicle was a marked black and white Los Angeles County Sheriff's Department patrol car. The front of the radio car was approximately at a ninety-degree angle to the driver's side of the suspect vehicle. The patrol vehicle was identified as a Ford, "Crown Victoria," fleet vehicle #SD5821, bearing California exempt license plates #1265915, which were affixed to the front and rear. The numbers #821 were affixed to the rear of the roof with a smaller station identifying number #4 affixed to the front. There was an emergency response light bar affixed approximately in the center of the roof, with a variety of radio antennas toward the rear. The drivers and passenger side doors held blue colored "Norwalk Sheriff' decals in large letters. Spot lights were present in front of each door. The rear deck lid held decals displaying the name Los Angeles County Sheriffs Department. The exterior of the vehicle was dirty. No major body damage was noted.

Investigators found the driver's side door was open, with the window down. The passenger side doors and driver's side rear door were closed with the windows up. No window tint was noted.

The engine of the vehicle was running. The gear shift was in the "park" position. No key was in the ignition. The front hood and rear deck lid were closed. The digital display showed 33492 miles on the vehicle. The Sheriffs Department radio and Mobile Digital Terminal were on. The radio was tuned to "L-TAC 10 frequency. The center mounted shotgun rack held a shotgun. The magazine of the shotgun was empty. Inside the trunk of the vehicle, Investigators found a black nylon "war bag," a black nylon report box, a fire extinguisher, emergency response gear, a spare tire, and a variety of mounted radio equipment.

Investigators noted a second radio car parked in the parking lot. The vehicle was a Ford "Crown Victoria," fleet vehicle #SD5847. It had been driven to the scene by Deputy Lavan who was working unit 43K1. He had responded to the initial back-up request and was the first unit to arrive to assist Deputy [redacted] Upon entering the motel parking lot, he stopped his vehicle facing south, approximately in front of room #108. Once there, he assisted Deputy [redacted] with detaining the suspect and saw him remove a handgun from the suspect's waistband area. As previously noted, that handgun (EV #6) was subsequently secured in the trunk of Deputy Lavan's vehicle by Deputy Effle, pending the arrival of Homicide Investigators.

On the ground near the driver's side rear tire of Deputy Lavan's patrol vehicle, Investigators noted an expended projectile (EV #4). Inside the tip of the projectile, Investigators saw small pieces of black and grey colored material. North of Deputy Lavan's vehicle on the ground, Investigators noted two expended shell casings (EV #2 and #3) and a red plastic bag containing the suspects clothing items (EV #5). West of the bag was a black leather belt, which was collected and included as part of evidence item #5.

While conducting an inventory of the suspect's clothing, Investigators noted $9.00 dollars in U.S. Currency which fell out of the partially cut right leg cargo pocket of the suspect's shorts. Inside the left leg cargo pocket, Investigators found a broken glass pipe and a clear plastic bag, containing a white crystal like substance resembling narcotics. The suspected narcotics, pipe and currency were given to Deputy Lavan to be placed into evidence at Norwalk Station.

Investigators next examined the suspect's handgun (EV#6), which had been placed in a brown paper bag. The magazine had been removed and a plastic "zip-tie" had been inserted, rendering the handgun "safe." The handgun was identified as a "Colt" semi-automatic, .45 caliber with black rubber grips. The blue steel finish of the handgun had been removed and was now a dull silver finish. Serial #[redacted] was present on the frame of the handgun. The single magazine was loaded with eight live .45 caliber rounds.

Once the documentation of the parking lot area was finished, Investigator [redacted] examined room #214, which had reportedly been occupied by the suspect prior to the shooting. Investigator [redacted] found the room on the second floor at the top of the stairs on the east side of the hotel.

The door to the room was open. There were two queen-sized beds in the room. The top of each bed faced the south. The sheets and linen of each bed had been pulled away and the beds were disheveled. The shower inside the bathroom was in the "on" position, and water was spraying both on the inside and outside of the bathtub. Investigator [redacted] noted the room was generally a mess, with a white liquid lotion deposited on the floor and on top of the beds. There was a variety of fresh gang graffiti written in soap on the mirrors of the bathroom and on the desk area of the living room. No clothing or personal items were noted.

**Physical Evidence:**

Ev. 1 Vehicle, 1994, Volkswagen, GTL, 4 Door, Black-purple in Color, California License #[redacted] Vin #[redacted] L/O [redacted]

Ev. 2 Expended Casing, Head Stamp "Win" 9mm Luger.

Ev. 3 Expended Casing, Head Stamp "Win" 9mm Luger.

Ev. 4 Red plastic bag, containing suspect Huizar's clothing consisting of the following: (1) black colored baseball cap, 59/fifty brand, size 8, with a Pittsburgh Pirates "P" on the front; (1) white "sling shot" T-shirt, unknown size, Blood stained; (1) black T-shirt, unknown size, blood stained; (1) black leather belt, unknown size; (1) black colored T-shirt, men's pro-club brand, size 4xl, blood stained; (1) pair of plaid pattern cargo shorts, black-Grey colored, "Shaka Wear" brand, size 3xl, blood stained. The side cargo pockets of the shorts contained $9.00 in US currency collected from the right cargo pocket. A broken glass pipe and a clear plastic bag containing a white crystal like substance collected from the left cargo pocket.

Ev. 5 Handgun, "Colt" Government Model, .45 caliber, worn finish, serial #[redacted] with black rubber "Hogue" grips. Containing one magazine, which contained eight live .45 caliber rounds of ammunition, head stamped "Wolf" .45 Auto.

**Photographic Evidence:**

Refer to Exhibit "D."

**Weapon Used by Deputy Personnel:**

**Deputy [redacted]**

| | |
|---|---|
| Service Weapon: | Beretta, Model 92FS, semiautomatic pistol, serial number BER[redacted] |
| Ammunition: | 9mm Luger |
| Shell Casings: | 2 |
| Date Employee Last Qualified: | [redacted] |
| Date Last Trained with Weapon: | |

Deputy [redacted] weapon was examined by Firearms Examiner Dale S. Falicon, #[redacted] The weapon was test fired, and found to be functional and within Department standards. The test was conducted by the Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section, under lab receipt No. K143438 (Refer to Exhibit "B," page 53).



**Weapon Used by Suspect:**

| | |
|---|---|
| Item #1 | Silver metal "Colt" Government Model cal 45, serial #[redacted] with black textured rubber grips. (EV#6) |
| Item #2 | Empty black gun magazine. |
| Item #3 | Eight (8) live rounds, WOLF 45 AUTO. |

Refer to Los Angeles County Sheriff's Department Scientific Services Bureau, Firearms Identification Section, under lab receipt No. K094453 (Refer to Exhibit "B," page 54).

**Property Damage:**

None.

**Lighting and Weather Conditions:**

The shooting occurred during daylight hours. The weather was clear.

**Involved Employee Statements:**

**Deputy [redacted] #[redacted]**

**Homicide Bureau Interview**

Deputy [redacted] was interviewed at Norwalk Station by Homicide Bureau Sergeant Sean McCarthy and Detective Dawn Retzlaff on 09-20-2009 at 1422 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the Homicide Bureau interview. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview.

Deputy [redacted] stated substantially the same during his interview with investigators from Homicide Bureau as he did when he was interviewed by investigators from the Internal Affairs Bureau.

**Internal Affairs Bureau Interview**

Deputy [redacted] was interviewed by IAB Sergeants Scott Hill and Owen Tong on July 6, 2010, at 1140 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview.

On September 20, 2009, Deputy [redacted] had been assigned to Norwalk Sheriff's Station for three years. He was a nine-year veteran of the Los Angeles County Sheriff's Department.

On the morning of September the 20th, 2009, Deputy [redacted] was assigned to unit 45K1. He stated he had worked that unit for "most of my time there." Deputy [redacted] stated his patrol area was south of Rosecrans Blvd., in the City of Norwalk.

The shooting took place at the Towne House Motel, 11650 Imperial Highway, Norwalk, CA, 90650. Deputy [redacted] stated he was very familiar with that motel. Over the past three years he had made twenty to thirty narcotics related arrests from that motel.

Deputy [redacted] said;

> "I pulled into the parking lot and I drove southbound through the parking lot. As I'm going in, I hear a pop. Sounds like a door closing. So I pull in and I see somebody seated in a car, which is all the way on the south side of the complex facing northbound." (Refer to Exhibit "C" Photograph "A")

It has been Deputy [redacted] experience that "if they buy drugs, they'll have [them] in their car or with them."

> "So I drive [in]. When I drive southbound I see the suspect sitting in [a] car (driver's seat). [He] appears to be moving around like he's adjusting himself in the seat, as though like he just got in it.
>
> "I pull in behind him and I see that he notices me. [He] looks at me kind of . . . like a deer in the headlights kind of look. [He] notices me and then he quickly turns to his right-hand side, out of my view. Fearing he's retrieving or discarding a weapon or contraband, I decide to contact him. (Refer to Exhibit "C" Photograph "B")
>
> "So I get out, I open my door and he's still looking to his right. [I] kind of come out wide, so that he doesn't get a straight shot at me (Refer to Exhibit "X" Photograph "X"). So I approach him and I don't remember if he opens the door or if I open the door, but I make contact with him.
>
> "I ask him if he's staying there. He says, 'Yes.' I ask if he has any identification. He says, 'No.' The whole time he's very nervous. He's real fidgety, just kind of looking around."
>
> **IAB Note:** The County of Los Angeles Autopsy Report, dated September 22, 2009, #2009-06549, included in Exhibit "B" Homicide Division Homicide Report, page 91, indicated Suspect Huizar, had 27 ng/ml of marijuana, 0.10 ug/ml of amphetamine, and 0.37 ug/ml of methamphetamine in his system at the time of his autopsy.

Based on Suspect Huizar' actions, Deputy [redacted] said, "I didn't know if he had a weapon or what was going on. I ask[ed] him to step out and he questioned me several times. I asked him, probably asked him about four or five times. He said, 'Why do I have to get out of the car?'"

Deputy [redacted] said he thought Suspect Huizar either "had something on him" or "was wanted for something."

Based on Suspect Huizar's behavior, Deputy [redacted] requested back-up via his handheld radio, for a "non-cooperative suspect." Deputy [redacted] stated he knew another unit had acknowledged his request for back-up, but he ([redacted]) did not know the ETA of the unit.

Deputy [redacted] said;

> "I don't know what he had in his immediate area (the vehicle). I want to distance him from the car or from that area at least. At that point he's still questioning why I wanted him to get out of the car. I basically grasped his upper arm, upper left arm, with my right [hand] and pretty much escorted him out. He's going [along] with the program, he's still kind of, 'Well why do I have to do this and why are you, why do you want me to get out of the car?' I'm able to grasp his hands behind his back in the cursory search position, within the wedge of the driver's door."
>
> "He's just kind of, 'Why do I have to do this?', but he's still going [along] with the program."

At this point, Deputy [redacted] stated his weapon was still holstered.

> "So I have him. I'm trying to, my thought was this guy's extremely nervous. I'm going to put the handcuffs on him before I search him. So I was trying to get a good grip on both of his hands, so I could reach for my handcuffs. The whole time he's still kind of like, he has his hands behind his back, but he's still kind of trying to not turn to face me, but like look at me to talk to him. His body keeps moving back and forth. I can feel, I feel one of the times on my forearm . . . what I think is a gun, it's a hard object."

Deputy [redacted] described the location of the object, "toward, on his right side, toward the rear."

Deputy [redacted] mind set was, "I thought oh shit, things aren't good. At that point I wasn't clear if it was a gun. Of course your first thought is a gun, I wasn't a hundred percent sure if it was a gun."

Deputy [redacted] stated, after his forearm brushed up against Suspect Huizar's side/back area, Suspect Huizar "broke free from me, [he] turned around and pushed me." Deputy [redacted] stated, Suspect Huizar used both hands and pushed him in the chest.

The force of the push caused Deputy [redacted] to move away from Suspect Huizar. As this movement occurred, Deputy [redacted] pulled his pepper spray out and sprayed Suspect Huizar on the left side of his face. Deputy [redacted] stated the spray hit Suspect Huizar's face.

Deputy [redacted] was asked if, after Suspect Huizar pushed him, he considered drawing his weapon. This based on his previous observations, e.g., the hard object he felt with his forearm located on Suspect Huizar's right side. Deputy [redacted] said, "I wasn't positive if it was a gun and at that point I think he was just [being] resistive. My thought was if it isn't a gun, then [now] there's a gun in the fight, because I've got one in my hand. So I wasn't positive yet, he wasn't reaching for it. My mentality was I'll spray first."

After applying the pepper spray, Deputy [redacted] said;

> "I spray him, grab his shirt to try to hold him and he, at that point we're struggling. He's trying to get away and basically, because [he's] significantly larger than me. He's basically pulling me around with him as I'm trying to gain control of him."
>
> **IAB Note:** On page 92, of the Coroner's report, #2009-06459, Suspect Huizar is described as 5'11" 284 lbs. (Refer to Exhibit "B" LASD Homicide Report).

Deputy [redacted] could not remember if he put his pepper spray away after using it. He could not remember what hand he was using when he "grabbed" Suspect Huizar's shirt. Deputy [redacted] stated he shoots right-handed, but he writes left-handed. He stated his right hand is his strong hand.

As Suspect Huizar struggled to get away from Deputy [redacted] Deputy [redacted] shouted, "Stop, stop, stop." Suspect Huizar didn't say a word. Deputy [redacted] did not recall if Suspect Huizar attempted to strike him in an effort to escape.

As Suspect Huizar struggled to escape, the two moved away from Suspect Huizar's vehicle, (Refer to Exhibit "C" Photograph "A"). Suddenly, Suspect Huizar stopped struggling. Still grasping Suspect Huizar's shirt with his ([redacted]) hand, Suspect Huizar turned and faced Deputy [redacted] At this point, Deputy [redacted] applied a second burst of pepper spray to Suspect Huizar's face. Deputy [redacted] stated the spray made contact with Suspect Huizar's face, but did not seem to have any effect.

Suspect Huizar pulled away from Deputy [redacted] Still grasping the Suspect Huizar' shirt, it ripped, and Suspect Huizar ran in a north, northeast direction. Deputy [redacted] stated he ran after Suspect Huizar, however, he did not pursue directly behind Suspect Huizar. Deputy [redacted] ran in an arch, so if Suspect Huizar pulled a weapon, he ([redacted]) wouldn't be right behind Suspect Huizar. As Deputy [redacted] pursued Suspect Huizar, he ([redacted]) was looking for cover.

At a distance of ten to fifteen feet the two made eye contact. "I see him look back, look toward his right as he's running and lift up his shirt. Once he lifts up his shirt, I can see the butt of a gun. I see the, it's towards the rear, on the right-hand side. I see the magazine well and I could see the magazine inside the well. I thought he was reaching for it, . . . so it was almost as if he like picked up with his right and assisted it with his left and was about to reach for it with his right. In my mind, I thought he was going to pull it out on me. Next thing I know, my gun is already out and I fired two rounds. Deputy [redacted] stated Suspect Huizar's hand never actually touched the butt of the weapon. "I didn't want to wait for him to actually pull it out."

After firing his weapon, Deputy [redacted] said Suspect Huizar "Fell straight down . . . and just with my momentum, I was already up on him. So I was over him with my weapon still drawn and [I] told him, 'Don't move.' At that point he was laying on his right-hand side. I still couldn't see the gun completely and yeah, his hand's kind of out in front of him." Suspect Huizar's weapon was still in his waistband.

The only thing Suspect Huizar said to Deputy [redacted] as the shooting occurred, "He went 'Oh.' and then he just, he fell like a ton of bricks."

Deputy [redacted] described the shooting as a "point and shoot." Deputy [redacted] did not use his gunsight. Deputy [redacted] stated he was aware of what was behind Suspect Huizar. He stated his backdrop was a wall.

After running up on Suspect Huizar, Deputy [redacted] put out the 998 radio traffic and requested paramedics. He stated within seconds Deputy Lavan arrived. Deputy [redacted] told Deputy Lavan, "I remember telling him, 'He still has a gun on him. I haven't retrieved the gun yet.' ...I didn't know if friendly's (Suspect Huizar's friends) were going to come out, so I didn't want to immediately handcuff him yet. I remember telling him (Lavan), 'There's a gun on him, he's not secured yet. If I remember correctly I pushed his, I pushed his body, his torso down with my foot and grabbed the gun myself." Deputy [redacted] stated he believes he tucked Suspect Huizar's weapon in his ([redacted]) back waistband.

After other units arrived, Deputy [redacted] said, "They handcuffed him and pretty much once he was handcuffed, I walked away."

**<u>Sworn Witness Statements:</u>**

**None**

**<u>Civilian Witness Statements:</u>**

**None**




# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director


May 10, 2010

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 09-0587
L.A.S.D File No. 009-15212-0453-013

Dear Captain Smith:

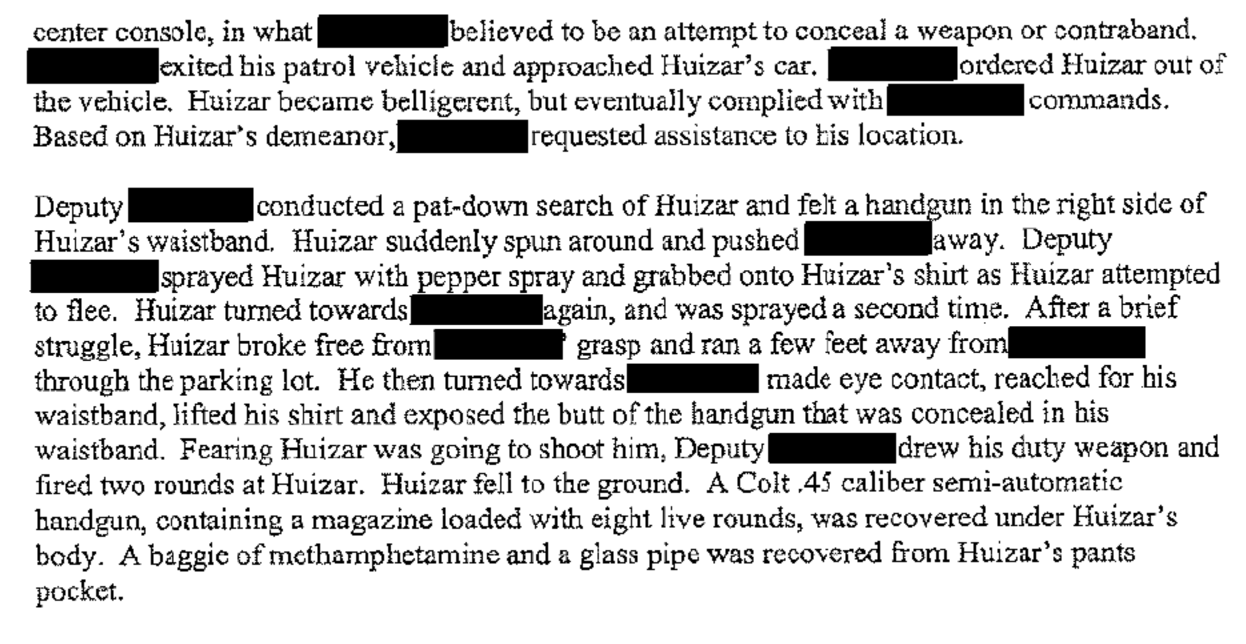
The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 20, 2009, fatal shooting of Leopoldo Huizar. We have concluded that Los Angeles Sheriff's Department (LASD) Deputy [redacted] acted lawfully in self-defense.

The following analysis is based on the reports and photographs submitted to this office on February 4, 2010, by Detective Dawn Retzlaff and Sergeant Shaun McCarthy from the Homicide Bureau of the Los Angeles County Sheriff's Department. The District Attorney's Command Center was notified of this incident at 9:35 a.m., on September 20, 2009. The District Attorney Response Team, comprised of Deputy District Attorney Natalie Adomian and District Attorney Senior Investigator [redacted] was notified by the Command Center and responded immediately to the scene. They were given a briefing of the circumstances surrounding the incident and a walk-through of the scene. Compelled statements were not considered as part of this analysis.

## FACTUAL ANALYSIS

On September 20, 2009, at about 8:47 a.m., LASD Deputy [redacted] was in uniform and driving a marked patrol vehicle, when he drove through the parking lot of the Townhouse Motel, located at 11650 Imperial Highway, Norwalk. [redacted] saw a male, later identified as Leopoldo Huizar, sitting in the driver's seat of a vehicle parked in the rear of the motel parking lot. Huizar appeared startled by [redacted] presence. Huizar reached to his right towards the


Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us



center console, in what [redacted] believed to be an attempt to conceal a weapon or contraband. [redacted] exited his patrol vehicle and approached Huizar's car. [redacted] ordered Huizar out of the vehicle. Huizar became belligerent, but eventually complied with [redacted] commands. Based on Huizar's demeanor, [redacted] requested assistance to his location.

Deputy [redacted] conducted a pat-down search of Huizar and felt a handgun in the right side of Huizar's waistband. Huizar suddenly spun around and pushed [redacted] away. Deputy [redacted] sprayed Huizar with pepper spray and grabbed onto Huizar's shirt as Huizar attempted to flee. Huizar turned towards [redacted] again, and was sprayed a second time. After a brief struggle, Huizar broke free from [redacted]' grasp and ran a few feet away from [redacted] through the parking lot. He then turned towards [redacted] made eye contact, reached for his waistband, lifted his shirt and exposed the butt of the handgun that was concealed in his waistband. Fearing Huizar was going to shoot him, Deputy [redacted] drew his duty weapon and fired two rounds at Huizar. Huizar fell to the ground. A Colt .45 caliber semi-automatic handgun, containing a magazine loaded with eight live rounds, was recovered under Huizar's body. A baggie of methamphetamine and a glass pipe was recovered from Huizar's pants pocket.

Paramedics responded and transported Huizar to the St. Francis Medical Center. He was pronounced dead soon after his arrival.

Dr. Paul Gliniecki of the Los Angeles County Coroner's Officer performed the autopsy on Leopoldo Huizar. Dr. Gliniecki observed that Huizar was shot two times in his torso area and opined the cause of death was multiple gunshot wounds. The toxicology reports indicated that Huizar had marijuana and methamphetamine in his system.

Huizar was previously convicted of sale of narcotics and possession of a firearm by a felon. One month prior to this incident, Huizar was arrested for evading a peace officer and driving under the influence of narcotics.

## CONCLUSION

California law permits the use of deadly force in self-defense if it reasonably appears to the person claiming the right of self-defense that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. California Criminal Jury Instruction 3470.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Graham v. Conner (1989) 490 U.S. 386, 396-397. This analysis must also allow for the fact that officers are often forced to make split-second judgments, about the amount of force that is necessary, in circumstances that are tense, uncertain, and rapidly evolving. Id.

The evidence examined in this investigation shows that while Deputy [redacted] conducted a pat-down search of Leopoldo Huizar, he felt a handgun in Huizar's waistband area. Huizar struggled with [redacted] and was sprayed with pepper spray twice. He then turned towards [redacted] and reached for his handgun. [redacted] believing Huizar was about to shoot him, responded with deadly force.

We conclude that Deputy [redacted] acted in lawful self-defense when he used deadly force against Leopoldo Huizar. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

NATALIE ADOMIAN
Deputy District Attorney
(213) 974-3880

c: Deputy [redacted] # [redacted]